



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,204	01/07/2004	Laura M.L. Chan	CA920030031US1	5645
58139	7590	09/30/2008		
IBM CORP. (WSM) c/o WINSTEAD SECHREST & MINICK P.C. P.O. BOX 50784 DALLAS, TX 75201				
EXAMINER				
AHMED, AFFAF				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
09/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,204

Applicant(s)

CHAN ET AL.

Examiner

AFAF AHMED

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in response to Applicant's amendment filed on 06/18/2008.
2. Claim 13 has been amended.
3. Claims 1-12 have been canceled.
4. Claims 13-20 have been examined and pending.

Response to Applicant's Arguments

5. Applicant's amendment and arguments filed on 06/18/2008 have been fully considered and discussed in the next section.
6. Applicant's arguments with respect to claims 19 and 20 rejection under 102 (b) as anticipated by Smith et al, US Pub No: 2002/0010625 have been considered but they are not persuasive. Applicant is reminded that claims must be given their broadest reasonable interpretations.
7. With respect to claim 19: Applicant argues that Smith does not disclose:
 - generating an exploration webpage based on the selected one of the set of links , where the exploration web page comprises a set of product attributes based on personalization information from the user.
 - receiving a selection of one or more product attributes that are of interest to the user.

Smith in at least paragraph 47 discloses electronic commerce that includes functionality for allowing users to search, browse, and make purchases from an online catalog of purchasable items or products. The various product offerings are arranged within a browse tree in which each node represents a category or subcategory of product. Smith also discloses in at least paragraph 48 a detail page that predominantly contains information about a particular product or other items. Each product detail page typically includes a description, picture, and price of the product, lists of related products and information about the product's availability. The detail page of each product is accessed by the user by selecting a link associated with the product or by submitting a search query that uniquely identifies the product. Smith Furthermore in at least paragraph 21, Smith discloses a resulting list of recommended items

(product) presented to the user during browsing session on a customized page. From this page, the user can deselect the viewed items and initiate the generation of a refined list of recommended items.

8. With respect to claim 20 Applicant argues that Smith does not disclose generating a results web page in response to receiving an indication from the user to show products, where the result page is web page comprised of a product list having information and one or more links to product web pages for a product that meet a criteria based on the selection of one or more product attributes. Smith in at least paragraphs 201- 202 discloses a list of recommended items known to be of interest to the user , each hyperlink within the list is generated by reading the user's session record or recently viewed items and or/ recently used search query. Smith also discloses in at least paragraph 203 and fig 12 a detail page for an MP3 player that may include a list of others MP3 players and /or any other electronics products that the user has recently viewed and/or searched.

9. Applicant's arguments with respect to claims 14 and 17 rejection under 103 (a) as being unpatentable over Jacobi in view of Smith have been considered but they are not persuasive. Applicant is reminded that claims must be given their broadest reasonable interpretations.

10. The examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant , in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

11. Examiner would like to point out the Supreme Court in KSR International Co. v. Teleflex Inc. described seven rationales to support rejections under 35 U.S.C. 103:

- ☐ Combining prior art elements according to known methods to yield predictable results;
- ☐ Simple substitution of one known element for another to obtain predictable results;
- ☐ Use of known technique to improve similar devices (methods, or products) in the same way;
- ☐ Applying a known technique to a known device (method or product)ready for improvement to yield predictable results;
- ☐ "Obvious to try"-choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- ☐ Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and
- ☐ Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine art reference teaching to arrive at the claimed invention

Prior art is not limited just to the references being applied, but includes the understanding of one

of ordinary skill in the art. The prior art reference (or references when combined) need not teach or suggest all the claim limitations; however, Office personnel must explain why the difference(s) between prior art and the claimed invention would have been obvious to one of ordinary skill in the art. The "mere existence of differences between the prior art and an invention does not establish the invention's nonobviousness." See *Dann v. Johnson*, 425 U.S.219, 230 (1976).

12. Applicant's arguments with respect to claims 14, 17 and 18 have been considered but they are not persuasive. Applicant is reminded that claims must be given their broadest reasonable interpretations.
- With regard to claim 14: Applicant argues that Smith does not teach the concept of personalization information that comprises a set of item attributes defined by a personalization system. Smith in at least paragraphs 51-53 discloses a recommendation system that generates a recommendations list, based a list of items to be known interest to the user (list of items purchased, rated, and /or viewed by the user. Smith also discloses in at least paragraphs 171-173 shopping cart recommendations services and generating a set of shopping cart recommendations, based on the same theme or characteristics defined by the user. Further more in at least paragraph 193 Smith discloses a personalized webpage that can be generated dynamically by the session recommendations component. The page includes a list of recommended items and a list of the recently viewed items. Each item includes a hyperlink to the corresponding detail, allowing the user to return to previously viewed detail pages.
 - Applicant requested the examiner to particular point out which element in Smith allegedly teaches the claimed initial product webpage and the result. Smith in at least paragraph 48 discloses a detail page that predominantly contains information about a particular product or other items. Each product detail page typically includes a description, picture, and price of the product, lists of related products and information about the product's availability. The detail page of product is accessed by the user by selecting a link associated with the product or by submitting a search query that uniquely identifies the product.
 - With regard to claim 17 Applicant argues that Smith does not teach a result page of an item attribute tables, in which attributes of a set of items are grouped to permit comparison by a user. Smith in at least paragraph Smith in at least paragraph 48 discloses a detail page that predominantly contains information about a particular product or other items. Each product detail page typically includes a description, picture, and price of the product, lists of related products and information about the product's availability. The detail page of product is accessed by the user by selecting a link associated with the product or by submitting a search query that uniquely identifies the product. Further more, Smith in at least paragraphs 203-204 and fig 12 a detail page for an MP3 player that may include a list of others MP3 players and /or any other electronics

products that the user has recently viewed and/or searched. Thus when a user views a product detail page of an item in a particular product category, the detail page is supplemented with a list of (or a link to a list) other products that falls within the same product category, which allows users to more easily perform a comparison shop.

It would have been obvious to one of ordinary skill in the art at the time of the invention that Smith ability to display a result page of a product attributes (characteristics) and lists of related items with a link to detail pages, which allows users to more easily compare products is equivalent in functionality to Applicant invention of displaying a product attributes tables in which attributes of the items are grouped to permit comparison by the a user.

- With regard to claim 18: Applicant argues that Smith does not teach *"guided search web pages that permit the customer to reach pages of interest by prompting the customer for answers about characteristics and preferences of the customer"*. Examiner notes that the claim does not recite the above limitation. The claim recites the limitation of: guided search web pages comprises web pages corresponding to a subset of potential guided search in nodes in a guided search tree, the subset being defined with reference to the personalization information for the user. Smith in at least paragraph 47 discloses an online catalog of purchasable items or products. The various products offering are arranged within a browse tree in which each node represents a category of subcategory of products. Smith in at least paragraph 48 discloses a detail page that predominantly contains information about a particular product or other items. Each product detail page typically includes a description, picture, and price of the product, lists of related products and information about the product's availability. The detail page of product is accessed by the user by selecting a link associated with the product or by submitting a search query that uniquely identifies the product.

13. **Examiner notes:** Claim 18 recites an alternative limitation of claim 13 for a guided search and it has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).
14. Applicant arguments with respect to claim 13 rejection under 102 (e) as anticipated by Jacobi et al, US Pat No: 7,113,917 are moot based on new ground of rejections. Applicant is reminded that claims must be given their broadest reasonable interpretations.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

17. Claim 13 recites the limitation of: *wherein said exploration web pages permit a customer to reach pages of interest by identifying product attributes; wherein said guided search web pages permit said customer to reach pages of interest by prompting said customer for answers about characteristics and preferences of said customer.* It is unclear what Applicant is referring to by *wherein said exploration web pages permit a customer to reach pages of interest by identifying product attributes; wherein said guided search web pages permit said customer to reach pages of interest by prompting said customer for answers about characteristics and preferences of said customer.* Does the Applicant prompts a user to enter preference about user's profile or prompts a user to enter preferences about the product. Appropriate correction and/ or correction is required.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. Claims 13, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al, US Pat 7,113,917 in view of Smith et al, US Pub No: 2002/0010625 A1.

Claim 13:

Jacobi discloses:

- *defining a personalized web page comprising one or more links to initial product exploration the links being based on personalization information for the user (see at least column 4, lines 31-44, column 6, lines 43-67, column 15, lines 59-67 and column 16, lines 1-5, column 7, lines 34-39 and fig 5 and 6 with the associated text);*
- *each initial product exploration web page comprising an entry point to a set of exploration web pages defined according to product exploration metaphor technology and the set of said exploration web pages being defined with reference to personalization information for the user or each initial guided search web page comprising an entry point to a set of guided search web pages defined according to guided search technology and the set of said guided search web pages being defined with reference to personalization information for the user (see at least column 3, lines 13-34 and column 7, lines 61-67);*
- *providing the defined web pages to the user for display in response to requests from the user (see at least column 7, lines 11-20 and lines 34-39);*

Jacobi does not specifically disclose:

- *wherein said exploration web pages permit a customer to reach pages of interest by identifying product attribute ;*

However, Smith in at least paragraph 47 discloses electronic commerce that include functionality for allowing users to search, browse, and make purchases from an online catalog of purchasable items or products. The various product offerings are arranged within a browse tree in which each node represents a category or subcategory of product. Smith also discloses in at least paragraph 48 discloses a detail page that predominantly contains information about a particular product or other items. Each product detail page typically includes a description, picture, and price of the product, lists of related products and information about the product's availability. The detail page of product is accessed by the user by selecting a link associated with the product or by submitting a search query that uniquely identifies the product. Furthermore Smith in at least paragraph 21, discloses a resulting list of recommended items (product) presented to the user during browsing session on a customized page. From this page, the user can deselect the viewed items and initiate the generation of a refined list of recommended items.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jacobi's personalized recommendations of items presented within a database

with Smith's content personalization during a current browsing session with the motivation of providing consumers with options to refine their products need.

21. **Examiner notes** that Applicant stated that "defining a personalized web page comprising one or more links to initial product exploration or guided search web pages". It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).

Claims 14-17:

Jacobi discloses the limitations as shown above.

With regard to the limitations of:

- *the personalization information for the user comprises a set of item attributes defined by a personalization system.*
- *each initial product exploration web page comprises a link to a result page.*
- *the result page comprises a result list.*
- *the result list comprises an item attribute table in which attributes of a set of items are grouped to permit comparison by a user.*

Smith in at least paragraph 202 discloses a list of recommended items known to be of interest to the user, each hyperlink within the list is generated by reading the user's session record or recently viewed items and/or recently used search query. Smith also discloses in at least paragraphs 172-173 shopping cart recommendations services and generating a set of shopping cart recommendations, based on the same theme or characteristics defined by the user. Smith also disclose in at least paragraph 193 a personalized webpage that can be generated dynamically by the session recommendations component. The page includes a list of recommended items and a list of the recently viewed items. Each item includes a hyperlink to the corresponding detail, allowing the user to return to previously viewed detail pages. Further more, Smith in at least paragraphs 203-204 and fig 12 a detail page for an MP3 player that may include a list of others MP3 players and /or any other electronics products that the user has recently viewed and/or searched. Thus when a user views a product detail page of an item in a particular product category, the detail page is supplemented with a list of (or a link to a list) other products that falls within the same product category, which allows users to more easily perform a comparison shop.

It would have been obvious to one of ordinary skill in the art at the time of the invention that Smith ability to display a result page of a product attributes (characteristics) with a link to detail pages, which allows users to more easily compare products is equivalent in

functionality to Applicant invention of displaying a product attributes tables in which attributes of the items are grouped to permit comparison by the a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jacobi's personalized recommendations of items presented within a database with Smith's content personalization during a current browsing session with the motivation of providing consumers with a variety of personalized options to choose from when exploring web-pages to view and/ or purchase products.

Claim 18:

Jacobi discloses the limitations as shown above.

Jacobi does not specifically disclose, but Smith, however discloses:

- *the set of guided search web pages comprises web pages corresponding to a subset of potential guided search nodes in a guided search tree, the subset being defined with reference to the personalization information for the user;*

Smith in at least paragraph 47 discloses an online catalog of purchasable items or products. The various products offering are arranged within a browse tree in which each node represents a category of subcategory of products. Smith in at least paragraph 48 discloses a detail page that predominantly contains information about a particular product or other items. Each product detail page typically includes a description, picture, and price of the product, lists of related products and information about the product's availability. The detail page of product is accessed by the user by selecting a link associated with the product or by submitting a search query that uniquely identifies the product.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jacobi's personalized recommendations of items presented within a database with Smith's content personalization during a current browsing session with the motivation of providing consumers with hierarchal tree that is used to guide consumers and can be systematically searched.

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al US Pub No: 2002/0010625 A1.

As per **claim 19**, Smith teaches:

- *generating a web page comprising a set of links based on personalization information from said user and receiving a selection of one of said set of links (see at least paragraphs 192, 193 and fig 11 with the associated text);*
- *generating an exploration web page based on said selected one of said set of links, wherein said exploration web page comprises a set of product attributes based on personalization information from said user; and receiving a selection of one or more product attributes from said set of product attributes that are of interest to said user (see at least paragraphs 48, 206 and fig 12 with the associated text).*

As per **claim 20**, Smith teaches:

- *receiving an indication from said user to show products (see at least paragraph 61); and*
- *generating a results web page in response to receiving said indication from said user to show products, wherein said results web page comprises a product list having information and one or more links to product web pages for products that meet a criteria based on said selection of one or more product attributes (at least paragraphs 47, 48, 206 and fig 12 with the associated text).*

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

26. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS from the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yehdega Retta/
Primary Examiner, Art Unit 3622